IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.703 OF 2005

Rangnath Digambar Bhosale .. Appellant

Versus

Sou.Mangala Raghunath Bhosale & Ors. Respondents

Mr.Milind Deshmukh for appellant

CORAM : P.V.KAKADE, J.

DATE : 8TH AUGUST, 2005.

P.C.:

1. The present appeal is filed against the judgment and order passed by the Addl. District Judge, Pandharpur dated 8.9.2004 dismissing the appeal and confirming the judgment and order passed by Civil Judge, Junior Division, Pandharpur decreeing the suit for partition and separate possession of the respective sharers.

2. I have heard the larned counsel for the appellant. Perused the record.

3. The plaintiffs had filed the suit for partition and separate possession of their undivided share out of the suit property at village Bardi, Nevare and Kondarpatta stating that the properties are the ancestral joint family property and defendants were refusing partition when it was demanded. The defendants contested the suit on various grounds, inter alia, raising various objections including non joinder of necessary parties and therefore, it was submitted that the plaintiffs were not entitled to decree.

. The learned trial judge adjudicated the dispute on merits and came to the conclusion that the plaintiffs had proved that the suit properties were joint family properties of the plaintiffs and the defendants and plaintiffs had 1/8th share in the suit properties and hence the decree came to be passed. The appeal was carried to the District Court. The learned Addl. District Judge after hearing both the parties confirmed the findings recorded by the lower court and dismissed the Appeal. Hence the present appeal.

4. At the outset, it may be noted that there is abslutely no substantial question of law involved in this appeal. The only submission made on behalf of the appellant was to the effect that when the father was alive there should not be partitions when he had no adverse contentions against the respondents. In this regard it must be noted that evidence on record is sufficient to show that the suit properties were ancestral joint family properties. This question sought to be raised on behalf of the appellant would not arise and both the courts below appear to have appreciated the entire evidence in proper perspective and therefore, it would brook no interference.

. In the result the appeal stands dismissed. Consequently the Civil Application No.1195 of 2005 also stands dismissed.